

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 4185-01
BILL NO. HB 1889
SUBJECT: Assault of Law Enforcement Officer
TYPE: Original
DATE: February 18, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses

This fiscal note contains 3 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** and the **Office of Prosecution Services** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Public Defender** assume they could provide representation for those 1-5 cases arising where indigent persons were charged with assault on a law enforcement officer. However passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

Oversight assumes, based on information previously provided by the Department of Corrections (DOC), thirty-seven persons were incarcerated during CY 1999 for the combined offenses of Assault of a Law Enforcement Officer in the first and second degree. Of those thirty-seven offenders, eighteen received sentences less than seven years. The average sentence for those eighteen offenders was approximately five years.

In response to previous proposals, DOC has assumed operational costs, through incarceration, average \$35.00 per inmate, per day. Since the proposal would require offenders, convicted of Assault of a Law Enforcement Officer in the first or second degree, to serve at least seven years without possibility of probation or parole, Oversight assumes DOC could incur at least \$459,900 per year in additional incarceration costs (18 offenders x \$35.00 per day x 365 days x 2 years = \$459,900). The general sentencing provision for a Class A felony is death, life, or a term of twenty years or more and the general sentencing provision for a Class B felony is ten to twenty years. Since a defendant must currently serve at least 40% of the sentence without possibility of parole, any impact to DOC would occur beyond the scope of this fiscal note.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	0	0	0
<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	0	0	0

L.R. NO. 4185-01
BILL NO. HB 1889
PAGE 3 OF 3
February 18, 2000

FISCAL IMPACT - Small Business

No direct fiscal impact on small businesses would be expected due to this proposal.

DESCRIPTION

The proposed legislation requires persons convicted of assault of a law enforcement officer with a deadly weapon in the first and second degree to be sentenced to at least 7 years incarceration, without possibility of parole.

This legislation is not federally mandated, would not duplicate any other program, and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of State Courts Administrator
Department of Corrections
Office of Prosecution Services
Office of State Public Defender

NOT RESPONDING: Office of Attorney General and Department of Corrections.

A handwritten signature in black ink, appearing to read "Jeanne Jarrett".

Jeanne Jarrett, CPA
Director
February 18, 2000